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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 NIRP PASADENA, PLLC; and NIRP
8 SUGAR LAND, PLLC,

9 Plaintiffs,

10 v.

11 MEDSTREAMING, LLC, et al.,

12 Defendants.

C17-1607 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiffs' motion for partial summary judgment, docket no. 30, is
16 DENIED.¹ The Court concludes that defendants' responses to plaintiffs' requests for
17 admission were timely served. Alternatively, the Court retroactively grants defendants an
18 extension of time to serve responses to plaintiffs' requests for admission, and the
19 responses sent via email, personal delivery, and first-class mail are deemed timely served.
20 See Fed. R. Civ. P. 36(a)(3). Because plaintiffs' dispositive motion is premised entirely
21 on the proposition that defendants made admissions by failing to timely respond, see id.,
22 plaintiffs' motion lacks merit.

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¹ In response to plaintiffs' motion, defendants sought summary judgment in their favor pursuant
to Federal Rule of Civil Procedure 56(f), relying in part on the declaration of Evert de Vries, the
Chief Technical Officer ("CTO") for defendant Medstreaming, LLC, docket no. 40. Plaintiffs'
moved to strike the CTO's declaration. See Reply at 5-8 (docket no. 42). The Court DECLINES
to consider defendants' request for summary judgment under Rule 56(f) and STRIKES as moot
plaintiffs' motion to strike the CTO's declaration. The Court also STRIKES as moot defendants'
motion to strike, Surreply (docket no. 47), portions of plaintiffs' reply in support of their motion
for partial summary judgment.

1 (2) Plaintiffs and their counsel are DIRECTED to show cause within fourteen
2 (14) days of the date of this Minute Order why the Court should not impose sanctions in
3 the amount of \$5,000 against each of them, jointly and severally, for the filing of a
dispositive motion, docket no. 30, that was frivolous and not in compliance with Federal
Rule of Civil Procedure 11(b). See Fed. R. Civ. P. 11(c)(3).

4 (3) Defendants' motion to amend case schedule, docket no. 44, is GRANTED
5 in part and DEFERRED in part. Defendants shall not file a reply in support of their
6 motion unless later directed to do so by the Court. The trial date of October 1, 2018, the
7 pretrial conference scheduled for September 21, 2018, and all remaining related deadlines
8 are STRICKEN, and will be reset at a later date. The Court defers ruling on whether
discovery will be reopened. A telephonic conference, which the Court will initiate, is
SET for Thursday, August 30, 2018, at 11:00 a.m. Counsel shall be prepared to address
why depositions have not yet occurred in this matter and, if discovery is reopened, what
discovery remains to be conducted and how much time will be required to complete
discovery.

9 (4) Defendants' motion for partial summary judgment, docket no. 32, is
10 DENIED. Defendants have not established the requisite absence of genuine disputes of
material fact and/or entitlement to judgment as a matter of law. See Fed. R. Civ. P. 56(a).

11 (5) The Clerk is directed to send a copy of this Minute Order to all counsel of
12 record.

13 Dated this 16th day of August, 2018.

14 William M. McCool
15 Clerk

16 s/Karen Dews
17 Deputy Clerk
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